

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
PART 19 RULES AND REGULATIONS FOR THE USE OF VEHICLES AND VESSELS
IN MISSISSIPPI COASTAL PRESERVES AND MARINE WATERS
OF THE STATE OF MISSISSIPPI

Chapter 01 Introduction

Purpose

100 This Part establishes a regulation to prohibit all motorized vehicle use within the publicly owned Mississippi Coastal Preserves and marine waters.

Chapter 02 Justification and Authority

100 It is the public policy of this state to favor the preservation of the natural state of the coastal wetlands and their ecosystems and to prevent the despoliation and destruction of them pursuant to Miss. Code Ann. § 49-27-3, as amended.

101 The Mississippi Commission on Marine Resources (MCMR) finds that airboats and other non-permitted vehicular activity pose a substantial threat to the flora and fauna of the Coastal Preserves.

102 The MCMR finds that airboats pose a substantial threat to the safety of other vessels in the marine waters of the state of Mississippi.

103 The MCMR is vested with authority to adopt, modify or repeal rules or regulations to utilize, manage, conserve, preserve and protect the flora, fauna, tidelands, coastal wetlands, coastal preserves, marine waters and any other matter pertaining to the marine resources under its jurisdiction pursuant to Miss. Code Ann. § 49-15-304, as amended.

104 The MCMR is vested with the jurisdiction and authority over all marine aquatic life and is authorized to enact all regulations necessary for the protection, conservation and propagation of all seafood in the waters under the territorial jurisdiction of the State of Mississippi, as provided for in Miss. Code Ann. § 49-15-15, as amended.

105 The killing or materially damaging any flora or fauna on or in any coastal wetland is subject to regulation by the MCMR pursuant to Miss. Code Ann. § 49-27-5 (c) (iii), as amended.

106 The MCMR is vested with authority to enact regulations to address boat and water safety in the marine waters of the state of Mississippi, as provided for in Miss. Code Ann. § 59-21-117, as amended.

- 107 The MCMR is vested with authority to make special rules and regulations with reference to the operation, equipment or safety of vessels or motorboats on any waters of the state, as provided for in Miss. Code Ann. § 59-21-129, as amended.
- 108 The MCMR, through the Mississippi Department of Marine Resources (MDMR), shall act as the Mississippi Boat and Water Safety Commission in the marine waters of the state of Mississippi, as provided for in Miss. Code Ann. § 59-21-111, as amended.
- 109 The MCMR is vested with the authority to adopt regulations to manage any matter pertaining to the marine resources of the state, as provided for in Miss. Code Ann. § 57-15-10 (1), as amended.
- 110 Miss. Code Ann. § 49-15-63, as amended, addresses general penalties for violation of these regulations.

Chapter 03 Prohibition of All Motorized Vehicles in Publicly Owned Coastal Preserves

- 100 All motorized vehicles, motorcycles, personal water craft, airboats, hovercrafts, vessels and aircraft or aquaplanes are prohibited in publicly owned Mississippi Coastal Preserves emergent vegetation and adjoining surrounding land areas, except those vehicles and vessels operated by the MDMR or as otherwise permitted pursuant to this Part.
- 101 The provisions of this chapter shall not apply in the case of an emergency or to any employee conducting the official business of a municipal, county, state, or federal agency, or persons conducting activities pursuant to a contract or sub-grant with a state or federal agency.

Chapter 04 Penalties

- 100 Any unlawful act under this Part committed by any person, firm, or corporation shall be deemed a violation of the provisions of this Part and shall constitute a misdemeanor and upon conviction, said person shall be punished in accordance with Miss. Code Ann. § 49-15-63, as amended, unless a penalty is specifically provided elsewhere in the Mississippi Code Ann. of 1972, as amended.

Chapter 05 Chapters and Subchapters Declared Separable

- 100 Each chapter and subchapter of this Part is hereby declared separable, and if any chapter or subchapter or part thereof shall be held invalid or unconstitutional, the balance of said Title 22 Part 19 shall remain in full force and effect.

101 Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate offenses and punished as such.

Chapter 06 Administrative Procedures Act

100 Pursuant to the amendments to the Administrative Procedures Act, § 25-43-1.101, *et seq.*, of the Mississippi Code Ann. of 1972, as amended, and the rules and regulations promulgated pursuant thereto by the Secretary of State; the former Ordinance 19.000 has been modified and the MCMR and MDMR have adopted the terminology and numbering system developed by the Secretary of State. Therefore, references to “ordinance” or to “Part” appearing in these regulations or the underlying statutes are use interchangeably and refer to the same instrument.

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PART 19 RULES AND REGULATIONS FOR THE USE OF VEHICLES AND VESSELS
IN MISSISSIPPI COASTAL PRESERVES AND MARINE WATERS
OF THE STATE OF MISSISSIPPI**, shall be in effect and be in force from and after the _____
day of _____, 2006.

Adopted, this the _____ day of _____, 2006.

MISSISSIPPI COMMISSION ON MARINE RESOURCES

By: _____
Vernon Asper, Ph.D. Chairman

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

By: _____
William W. Walker, PhD., Executive Director